

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:10CR146
Plaintiff,)	
)	
vs.)	AMENDED* ORDER
)	
RICHARD COSTANZO,)	
THERESA COSTANZO,)	
JANNA WASKO and)	
MICHAEL WASKO,)	
)	
Defendants.)	

This matter is before the court on the motion of Richard Costanzo to continue the trial date (Filing No. [117](#)). The court held a Rule 17.1 conference with counsel for all of the parties on November 10, 2010. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The motion to continue trial (Filing No. [117](#)) is granted.
2. Trial of this matter is re-scheduled for **February 7, 2011**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 10, 2010, and February 7, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

IT IS FURTHER ORDERED the court will hold a Rule 17.1 conference **at 11:00 a.m. on January 7, 2011**, with counsel for all parties awaiting trial to in order to facilitate the presentation of evidence at trial.

DATED this 10th day of November, 2010.

BY THE COURT:
s/Thomas D. Thalken
United States Magistrate Judge

* Order amended to reflect excludable time from November of 2010.